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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/618,252	03/18/96	HUNT	G 9501

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C5M1/0214

EXAMINER	
MARCEL D. F.	
ART UNIT	PAPER NUMBER
3503	2

DATE MAILED:

02/14/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

## Office Action Summary

Application No.

08/618,252

Applicant(s)

Hunt

Examiner

Emmanuel M. Marcelo

Group Art Unit

3503



- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

- ☒ Claim(s) 1-7 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The drawing(s) filed on Mar 18, 1996 is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The drawings are objected to because figures 1 and 2 must be separately labeled "Prior Art". Correction is required.

Applicant is required to submit a proposed drawing correction in response to this Office action. However, formal correction of the noted defect(s) can be deferred until the application is allowed by the examiner.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 4 are vague and indefinite because of the use of "may". For example, it is unclear whether the lips are or are not received on the track flanges, claim 1, line 29. It is suggested that "may" be replaced with --are adapted to--.

With respect to claim 5, lines 4-5, "the longitudinal projection" lacks positive antecedent basis in the claims. Relative to line 5, it is unclear what "being in alignment with said lip ends" refers to. Is it referring to the openings or the corners?

With respect to claim 7, the difference between the notch and the opening is unclear. Is "said openings", line 3, the same as the "openings" set forth on line 10, claim 4?

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the acknowledged prior art (figures 1 and 2) in view of FR 2,462,619 (hereinafter French '619). The acknowledged prior art discloses openings (24) formed in the frame forming lips (20) adapted to receive track flanges (38), and openings (24) defined in the walls (16) at the corners thereof whereby the track flanges (38) may extend therethrough permitting said lips (18, 20) and winch frame to be slidably mounted on the track (34), the lips comprise first (18) and second (20) parallel lips defined on the frame base, said lips (18, 20) having ends, said openings defined in the wall (16) at the corners being in alignment with said lip ends (18, 20) and the longitudinal projection of said lips.

The first lip (18) is defined by the first lateral side of the base, a slot (22) defined intermediate the base sides (16), said slot defining the second lip (20), notches (24) defined in

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the base first lateral side (16) and the wall corners adjacent the base first lateral side (16), said notches defining said openings (24) in alignment with said first lip.

The acknowledged prior art does not disclose forming the winch from a flat elongated blank then bending the blank end regions. French '619 disclose a tensioning mechanism using a pawl-controlled winder comprising a U-section base (1, 2) which is formed from folded sheet metal. It is readily evident that a monolithic base piece has increased structural rigidity. Moreover, the cost of manufacturing would decrease because intermediate steps such as welding would be eliminated. The prior art discloses a base comprised of separate base plates welded together. Thus, it would have been obvious to one of ordinary skill in the art to make the separate base plates of the acknowledged prior art of a monolithic piece by bending the blank end regions of a flat elongated plate, as taught by French '619, to increase the structural rigidity thereof as well as to decrease the cost of manufacturing.

The acknowledged prior art does not disclose the simultaneous step of forming the plate blank, notches, slot, and openings. However, it would have been obvious to one of ordinary

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skill in the art to simultaneously perform the steps to reduce the time required to manufacture the base.

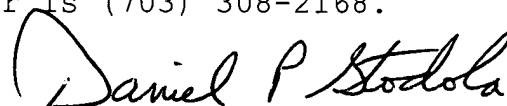
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chan, Bailey, Miller, Clark, Merriweather, Jr., Alexander, Arbues, Stephenson, Jr., and Ancra International publication are each cited to disclose a base member of a monolithic piece.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel M. Marcelo whose telephone number is (703) 305-6597. The examiner can normally be reached on Monday to Friday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

emm   
2/11/97



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
GROUP 3500